

IN THE CLAIMS:

Please add the following claims:

--52. The recombinant vaccinia virus of claim 42 which is vP11.

53. The recombinant vaccinia virus of claim 42 which is vP2.

54. The recombinant vaccinia virus of claim 42 which is vP4.

55. The recombinant vaccinia virus of claim 42 which is vP6.--

REMARKS

Paper No. 61 in Interference No. 103,399 included an Order and *sua sponte* holding. That Paper alleged that there was no interference-in-fact due to an alleged lack of "adjacency" (whatever "adjacency" might be, as it is undefined in the Moss et al. applications).

Submitted in the Interference with this Amendment and a Motion to amend this application in accordance with this Amendment is a Declaration by Dr. Marion Perkus demonstrating that the disclosed and claimed subject matter of Paoletti et al. has an absence of large amounts of endogenous vaccinia DNA between the promoter and the foreign gene (because as can be best derived from the Order by Dr. Perkus, "adjacency" means an absence of large amounts of endogenous vaccinia DNA between the promoter and the foreign gene).

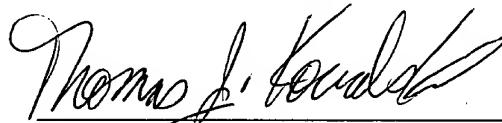
This Amendment is to add claims to particular constructs especially having an absence of large amounts of endogenous vaccinia DNA between the promoter and the foreign gene. Thus, this Amendment is to provide the party Paoletti with the best proofs and claims for this Interference.

This Amendment merely adds claims to vP11, vP2, VP4, and vP6, which is described and enabled throughout the application, including the Examples, including Examples I to X and XIX. No new matter is added. Any additional fee for the claims presented herewith may be charged to Deposit Account No. 50-0320; and, any overpayment in such fees may be credited to that Deposit Account.

Consideration and entry of this Amendment are earnestly solicited.

Respectfully submitted,

FROMMER LAWRENCE & HAUG, LLP
Attorneys for Applicants



William S. Frommer
Registration No. 25,506
Thomas J. Kowalski
Registration No. 32,147
(212) 588-0800